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SMOKE SHOP LICENSING

Definitions:

A **smoke shop** is defined in LVMC 6.82 as *a business which has, as its principal activity or a primary activity, the sale of tobacco paraphernalia or designated substances, or a business that holds itself out to the public as engaging in that activity.*

A **smoking lounge** is defined in LVMC 6.82 as *a business which offers, as its principal activity or a primary activity, a location and equipment for the consumption of tobacco products.*

Tobacco paraphernalia is defined in LVMC 6.82 as *cigarette papers, or wrappers, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for use in the smoking, preparation or consumption of tobacco products. The term does not include tobacco products.*

Tobacco products are defined in LVMC 6.82 as *any substance containing tobacco leaf, including but not omitted to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis or any other preparation of tobacco. The term does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence, or any electronic device that enables the introduction of nicotine into the human body but without the presence of tobacco.*

Designated substance is defined in LVMC 6.82 as *salvia divinorum or Salvinorum A, including all parts of the plant as salvia divinorum, whether growing or not; any extract thereof, the seeds thereof and every compound, manufacture, salts derivative, mixture or preparation of the plant or its seeds or extracts.*

Taken together, these definitions mean that an establishment will be classified as a smoke shop or a smoking lounge under LVMC 6.82 if the establishment falls within the definitions above. These definitions are based on the sale of tobacco paraphernalia or the presence of a location or equipment for the consumption of tobacco products. The presence or sale of tobacco or tobacco products is not a requirement.

A business may also fall within the definition of a smoke shop simply by holding itself out to the public as engaging in that activity. For example, if advertising leads people to believe that the establishment is a smoke shop, the business is considered within the definition. There is no minimum square footage listed in either definition. A kiosk selling tobacco paraphernalia is considered a smoke shop.

Licensing: ([click here for the Smoke Shop / Smoke Lounge application checklist](#))

Smoke shops and smoking lounges must be licensed, and both categories are privilege licenses. Privilege licenses require that all principals of the business undergo a background check and the licensee must receive specific approval by the Director. Businesses currently holding general business licenses at the time the new ordinance was passed were given until June 21, 2015, to obtain the required privilege license.

Employee requirements:

- All employees who sell, handle, serve or have daily control of the operation of a smoke shop or smoking lounge must obtain a work card pursuant to LVMC 6.86 unless they have been approved for suitability as a principal of the business.
- All employees must be at least 18 years of age.
- If an approved principal named on the license is not to be present at least one-third of the hours of operation, the licensee must designate a key employee who will be present at least one-third of the hours of operation, and each key employee must undergo a background check and be approved by the Director.

Other restrictions for smoke shops:

- No person under the age of 18 years may enter or remain in the establishment unless accompanied by his or her parent or legal guardian.
- No tobacco paraphernalia or designated substances may be sold to a person under the age of 18.
- Tobacco paraphernalia must be stored and displayed in a designated area that is not open to view by persons under the age of 18. Except in an establishment that does not permit entry to persons under the age of 18, each entrance to the designated area shall have a sign clearly posted in letters not less than three inches tall indicating that persons under 18 are not permitted in the area unless accompanied by a parent or legal guardian. Designated areas and signage must have prior approval by the Director.

Other restrictions for smoking lounges:

- No person under the age of 18 may be allowed to consume tobacco products.
- All smoking areas must be open to view by employees and patrons.
- No live entertainment may be provided unless the establishment has a night club license or other appropriate license for that activity.

Compliance:

Violations of any of these provisions, general provision of the business licensing code or of any state laws may result in the imposition of civil penalties, and repeated violations may result in suspension or revocation of the business license. It is the responsibility of the licensee to be familiar with all such provision of local and state law.